

The bill of Senator DURBIN—I don't care what the committee report says—says that the FAA shall implement a Federal policy in favor of approving six parallel runways running in the east-west direction at O'Hare Airport. It says east-west. It is very specific.

I take issue with my colleague's comments or suggestions that the FAA could change it. In fact, it would be illegal for the FAA to reposition those runways in a northwest-southeast direction. Mayor Daley's and Senator DURBIN's exact runway design will be locked into Federal statutory law if my colleague's bill passes.

That is one of the objectives my colleague has. He wants to straightjacket the FAA, put a gun to the FAA's head, and force them to approve a bad runway design that has never been reviewed by any Federal aviation expert. It has never been tested in any modeling. In fact, it appears to be the back-of-a-napkin design.

Mayor Daley was before the Senate Commerce Committee, and he admitted that the city of Chicago had never itself done any studies to back up that design.

There is another goal my colleague is trying to accomplish with S. 2039. Right now, the city of Chicago has the power to condemn lands around O'Hare Airport and communities around O'Hare Airport, provided Mayor Daley gets a permit from the State of Illinois to do that. Senator DURBIN's bill would remove the requirement that Mayor Daley get a permit from the State before he condemns the communities around O'Hare. They cannot pass legislation in the State senate that would get rid of the permit requirement. So they have decided to come to Congress in Washington and to strip away the State's law and permit requirement at the Federal level.

If my colleague's bill passes, that will mean Mayor Daley could condemn all the communities around O'Hare without getting a permit from anybody. He would have an unfettered ability to condemn properties in communities that are outside the city of Chicago.

Imagine if the mayor of Minneapolis could go willy-nilly and condemn communities all around Minneapolis. Imagine what the communities around Minneapolis would think.

I think the State legislature was wise in imposing a requirement that the mayor of Chicago, before he goes out and condemns communities around his city, get a permit from the State of Illinois. I think the Federal Government would unbalance that wise State law if we were to remove that permit requirement.

If one person had the ability to willy-nilly condemn all parts of the Chicago area around O'Hare Airport, that would literally give the mayor of Chicago unfettered license to run over anybody he wanted at any time he wanted. I don't think this body should be part of conferring that kind of unfettered ability

to run over people on the mayor of Chicago.

There are delays at O'Hare Airport right now. That is no doubt true. I stood right here 2 years ago and warned Congress not to lift the delay controls at O'Hare Airport. From 1969 to 1999—for 30 years—the FAA had delay controls at O'Hare Airport so that the airlines didn't schedule more flights than the airport had the capacity to handle.

In 1999, Congress took off the delay controls, allowing the airlines to schedule more flights than O'Hare had the capacity to handle. I warned that we would have horrible delays if we lifted those delay controls. That happened. There were interim studies by the FAA which showed that if the delay controls at O'Hare were lifted, delays would go up exponentially, and they have.

In my judgment, that was a deliberate attempt by United Airlines and American Airlines to cause delays at O'Hare and to build pressure to further expand O'Hare in an attempt to block a third airport which has been needed in Chicago for nearly 30 years. That is what we now see.

I also note that while Senator DURBIN's legislation would require the FAA, or force, or command the FAA to approve a runway expansion plan at O'Hare that would increase the capacity of the runways by 78 percent, at the same time the plan is to build new terminals which would only add 12 new gates.

This is a very bizarre plan that Congress is entering into. We are going to expand runway capacity by 78 percent, but we are only going to add 12 new gates. That really means that once runway capacity is expanded at O'Hare, it will be possible under this plan to land a plane but you will have nowhere to park it. It doesn't make any sense. It is not appropriate for Congress to be wresting control of airport design from the FAA and curtailing the FAA's discretion. We should leave the FAA's discretion intact.

If Senator DURBIN believes his runway design for O'Hare Airport has merit, then he should file an application with the FAA and see if the FAA approves it. He should not seek an end-run around the rules that all the other airports in the country abide by, nor should this body be part of stripping away the State of Illinois' requirement that the mayor of the city of Chicago get a permit before he condemns properties and communities that are outside the city of Chicago.

It is not right to give the mayor of Chicago unfettered ability to run over anyone he wants at any time he wants.

S. 2039 is an unfortunate piece of legislation. I will do everything I can to prevent its passage.

I note one good development. The House of Representatives took this bill up in just the last couple of days—I believe on Wednesday—a House companion bill to S. 2039. The House com-

mittee stripped out the language that had the effect of putting a straight-jacket around the FAA and commanding the FAA to approve a specific runway design at O'Hare Airport. Even the House committee recognizes the impropriety of Congress putting a gun to the head of the FAA and forcing them to approve a specific runway design.

The House legislation simply allows Chicago to file a plan with the FAA and to be considered the same way any other airport expansion program or proposal is considered anywhere else in the country. Unfortunately, however, the House legislation does have the language giving the mayor of the city of Chicago unfettered condemnation authority, which I think is, as I pointed out earlier, a big mistake.

So with that, I do look forward to the debate. I am sure the debate will be coming. And if I cannot defeat this legislation, I ultimately want to change or modify it to make it less egregious than it now is. In its current form, it is such an egregious piece of legislation that I think it would be inappropriate for our Senate to devote time to it when we have Medicare prescription drug issues, homeland security, and 13 appropriations bills we still have not addressed.

With that, Mr. President, I thank this body for affording me this time to speak. I yield the floor and wish all my colleagues a good Fourth of July recess.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. NELSON of Florida). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. REID pertaining to the introduction of S. 2697 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

#### MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that we proceed to a period of morning business, with Senators permitted to speak therein for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PATENT AND TRADEMARK AUTHORIZATION ACT OF 2002

Mr. LEAHY. Mr. President, I am pleased that the Senate passed a bill which I introduced, the Patent and Trademark Authorization Act of 2002, which was reported out of the Judiciary Committee last week without objection. I appreciate that Senators HATCH, CANTWELL, REID, BENNETT and